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January 25, 2021

**SUBMITTED VIA ECFS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
45 L St. NE  
Washington, DC 20554

**Re: Emergency Broadband Benefit Program WC Docket No. 20-445**

Dear Ms. Dortch:

The National League of Cities is pleased to provide comment on the implementation of the Emergency Broadband Benefit, on behalf of the nation's more than 19,000 cities, towns, and villages. Municipal governments have and will continue to play a vital role in connecting residents, students, and families to broadband service, devices, and technology skills as part of ongoing response to the COVID-19 pandemic and should have an active role to play in the rollout of the Emergency Broadband Benefit to our communities.

**Participating Providers**

We urge the Federal Communications Commission (FCC) to require participating providers to offer their full suite of broadband options throughout their entire service area. Too many communities are already restricted by a limited number of market-rate providers and should not be further limited or confused by provider cherry-picking of subsidized service areas. If a provider has offered a service level by the December 1 cutoff, that service level should be an option within the Emergency Broadband Benefit program. There are also some providers that may not have offered service within a given area by December 1 but have been able to launch service since that time. In those cases, providers should be able to use comparable geographic areas to determine rates for Emergency Broadband Benefit documentation and eligibility.

The FCC should also work with the Universal Service Administration Corporation (USAC) to promote awareness and participation in the program by small internet service providers and municipal broadband providers. These entities have an important role to play but have not traditionally participated in the Lifeline program, and so will need additional education, guidance, and assistance to complete the election process and comply with program recordkeeping and reporting requirements.

**Household Eligibility**

For the Emergency Broadband Benefit to be truly effective as emergency response, the FCC should aim to place as few barriers to participation as possible in front of households, while maintaining its protections against waste, fraud and abuse. NLC encourages the FCC to include all households in catchments for schools participating in the U.S. Department of Agriculture's Community Eligibility Provision in its eligibility standards for the program. NLC also encourages the FCC to use the existing Lifeline definition of "household."

The FCC should also address the use of the Emergency Broadband Benefit in conjunction with other non-federal subsidy or support programs. For example, many communities have contracted or are in the process of contracting with area providers for bulk purchases of broadband subscriptions for residents or students. These communities should not be punished or excluded from the program because of their rapid and compassionate response to need during the pandemic. The FCC should consider either applying the benefit to this service, with the savings passed through to subscribing communities, or allowing benefit funds to be used to extend the length of these subscriptions.

### **Promoting Awareness**

The FCC and USAC must do as much as possible to support marketing and outreach of the Emergency Broadband Program. NLC encourages the FCC and/or USAC to host educational virtual events or similar resources as soon as possible for both potential participating providers and communities and organizations that will be responsible for much of the effort to connect households to relevant local broadband offerings, and to collaborate with groups such as the National League of Cities, National Digital Inclusion Alliance, and National Association of Telecommunications Officers and Advisors to incorporate on-the-ground experience gained in communities throughout the pandemic and to effectively disseminate information. Key information to make available includes clear communication of provider and household eligibility requirements, simple ways to determine participating providers for a given community or household, and best practices for encouraging program participation for households.

The FCC should require minimum marketing standards from participating providers, including providing a clearly listed phone number for inquiries and enrollment. The FCC and USAC should also consider disseminating consumer protection information guarding against Emergency Broadband Benefit scams in a variety of languages, as communities have already reported contact from entities falsely claiming to offer Emergency Broadband Benefit services and contracts.

### **Program Reporting and Conclusion**

Providers should be required to clearly explain to enrolling households the terms of the Emergency Broadband Benefit, including the expiration date of the program and possibility of the program ending sooner due to lack of funds. Providers should give participating households at least 30 days' notice of their benefit ending, clearly indicated in writing, and offer to transition those households to any discount programs the provider may offer that the household qualifies for. Households should also have the opportunity to opt into any other full-cost services offered by the provider, but they should not be shifted to these full-price services automatically and must not be billed for them without the active consent of the subscriber.

NLC and the nation's cities, towns and villages look forward to collaborating with the FCC for a successful implementation of the Emergency Broadband Benefit. We hope that this program will lay the groundwork for a long-term, permanent federal effort at addressing affordability as part of ending the nation's digital divide.

Sincerely,



Clarence E. Anthony  
CEO and Executive Director  
National League of Cities